

DYA:DYA
AO 91 (Rev. 11/11) Criminal Complaint

2016R00XXX

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 16 MJ287 JTH

MICHAEL WAYNE WADENA

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 30, March 31, and April 10, 2016, in Mahnommen County, in the State and District of Minnesota, defendant Michael Wayne WADENA,

having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, firearms as described in the attached affidavit,

all in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(a)(2) and 924(e).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Complainant's signature

Jason Wambach, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 18 April 2016
10:30 a.m.

City and State: Bemidji, MN

Judge's Signature

Jon T. Huseby, U.S. Magistrate Judge

Printed Name and Title

SCANNED

APR 19 2016

U.S. DISTRICT COURT ST. PAUL

Pursuant to FRCP 4.1

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Complainant's signature

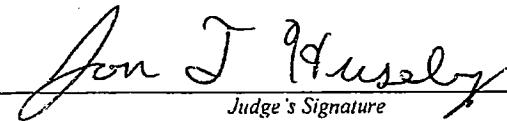
Jason Wambach, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/18/15 10:30 AM

City and State: Bemidji, MN


Judge's Signature
Jon T. Huseby, U.S. Magistrate Judge
Printed Name and Title
pursuant to Rule 4.1

STATE OF MINNESOTA)
)
COUNTY OF BELTRAMI)

16-MJ-287 JTM

ss. AFFIDAVIT OF JASON WAMBACH

I, Jason Wambach, being duly sworn, depose and state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since February 2008. I am currently assigned to the Fargo Field Office and participate in investigations in North Dakota and northern Minnesota. Previous to this employment, I was employed as a deputy sheriff with the Mahnomen County Sheriff's Office in northern Minnesota for ten years, the last five of which I was a criminal/narcotics investigator. I was also a member of the Headwaters Safe Trails Violent Crimes Federal Task Force from 2006 until 2008. Prior to that employment, I worked for the United States Border Patrol as a border patrol agent for two years. I have a Bachelor's Degree in psychology from Bemidji State University. My current responsibilities include conducting criminal investigations of individuals and organizations related to the violations of Federal laws, particularly those found in Titles 18, 21, and 26. I have participated in numerous investigations which have resulted in the arrests, searches, seizures, and convictions of individuals who have violated Federal law.

2. This affidavit is submitted in support of a Complaint against Michael Wayne WADENA, charging him with being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1). The facts set forth in the Affidavit are based on your Affiant's training, experience, personal knowledge and observations in this

investigation; upon discussions with other law enforcement officers and agents directly involved in this investigation; and upon review of official reports submitted in relation to this investigation. Further, this affidavit contains information to support probable cause, but is not intended to convey the facts of the entire investigation.

3. On March 30, 2016, task force agents from the West Central Drug Task Force ("WCDTF"), Paul Bunyan Drug Task Force ("PBTF") and the Headwaters Safe Trails Violent Crime Federal Task Force ("HSTTF") planned a controlled illegal drug and firearm purchase from Michael Wayne WADENA (D.O.B. XX/XX/1986). The WCDTF had a confidential reliable informant ("CRI") who personally knew WADENA and had previously completed purchases of illegal drugs and firearms from WADENA before cooperating with law enforcement. At the time the CRI began working with the WCDTF, the CRI was under investigation by the WCDTF and had state criminal charges pending.

4. On March 30, 2016, the CRI made arrangements with WADENA to purchase a .45 caliber revolver and possibly another firearm in addition to a quantity of methamphetamine. The CRI was fitted with an audio recorder/transmitter device which allowed law enforcement to monitor conversations in the immediate vicinity of the CRI. The CRI was searched before and after the controlled purchase. In addition, the CRI was provided with law enforcement investigative funds to use during the transaction. The CRI met with WADENA at house N-309 located on New Circle Drive in Naytahwaush, Minnesota. This location is within the boundaries of the White Earth Indian Reservation and the District and State of Minnesota. During the transaction, the CRI paid WADENA \$400 for the .45 caliber revolver and \$250.00 for an amount of methamphetamine. In a

debrief with law enforcement following the controlled purchase, the CRI confirmed that the firearm obtained from WADENA was previously traded by the CRI to WADENA for controlled substances and money in February 2016. No arrests were made.

5. The CRI was kept under physical surveillance by law enforcement until he/she provided the evidence to WCDTF Agent Skoog at an undisclosed location. The firearm was later identified as a Colt, model single action army, .45 caliber pistol bearing serial number SA9982. The approximate weight of the suspected methamphetamine was 3.3 grams. A field test on the suspected methamphetamine was positive.

6. On March 31, 2016, members of the same three task forces participated in another controlled purchase of a firearm and an amount of methamphetamine from WADENA using the same CRI. On this occasion, the CRI was also searched before and after the operation and fitted with a similar recording/transmitting device as used during the previous controlled purchase. Law enforcement investigative funds were provided to the CRI. The CRI met WADENA at house N-425 located in Naytahwaush, Minnesota, several blocks away from the controlled purchase completed the previous night.

7. On this occasion, the CRI purchased a rifle from WADENA for \$950 and an additional amount of methamphetamine for \$250. After the transaction, the CRI met with law enforcement and provided the evidence to WCDTF Agent Skoog. The firearm was later identified as a Century Arms, model CETME Sporter, .308 caliber assault style rifle bearing serial number C34711. The suspected methamphetamine weighed approximately 4.5 grams and a field test was positive for methamphetamine. No arrests were made.

8. On April 10, 2016, members of the same three task forces planned a third controlled purchase of firearms and methamphetamine from WADENA using the same CRI. The CRI was searched before and after the transaction and provided with a similar recording/transmitting device as used during the previous two purchases. The CRI was again given law enforcement investigative funds. The CRI had maintained contact with WADENA through phone calls and text messages since the previous controlled purchases. On this occasion, the CRI met WADENA at house N-425 (same location as previous controlled purchase on March 31, 2016) in Naytahwaush, Minnesota. The CRI purchased a 9mm caliber assault style rifle for \$400 and approximately 7 grams of methamphetamine for \$1020. After the transaction, the CRI drove to an undisclosed location and provided the evidence to law enforcement. The firearm was later identified as a Hi-Point, model 995, 9mm caliber assault style rifle bearing serial number B77829. The suspected methamphetamine was field tested and resulted in a positive test for methamphetamine.

9. All of the evidence items purchased during the three controlled purchases will be submitted to the Minnesota Bureau of Criminal Apprehension Laboratory for further analysis.

10. Your affiant has successfully completed ATF training in examining potential firearms for the purpose of making an interstate nexus determination. As a part of this investigation your affiant has examined all three of the firearms purchased by the CRI from WADENA. The results of those examinations indicate that all three firearms were manufactured outside of the state of Minnesota and additionally, all three firearms meet the definition of a firearm as defined in Title 18, United States Code, Section 921 (a)(3).

11. Your Affiant has reviewed WADENA's NCIC criminal history record and certified felony conviction documents and as a result has determined WADENA has the following felony convictions :

Crime	Place of Conviction	Year of Conviction
3 RD DEGREE ASSAULT	Mahnomen County	2004
PROHIBITED PERSON IN POSSESSION OF A FIREARM	Hennepin County	2007
3 RD DEGREE ASSAULT	Sherburne County	2008
CRIMINAL DAMAGE TO PROPERTY	Hennepin County	2008
4 TH DEGREE DRUG POSSESSION WITH INTENT TO DISTRIBUTE	Mahnomen County	2013

12. Based upon the facts conveyed in this affidavit, your Affiant has probable cause to believe that on March 30, 2016, March 31, 2016 and on April 10, 2016, WADENA committed the crime of being a felon in possession of a firearm, in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e).

Further your Affiant sayeth not.

 Jason Wambach
 Special Agent, ATF

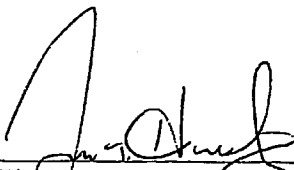
Sworn and subscribed to before me
 this 13th day of April, 2016

10:30 a.m.

Pursuant to FRCP 4.1

This affidavit was submitted to me by
 Reliable electronic means. Special Agent
 Wambach attested to the contents of the
 written affidavit after he was placed
 under oath by telephone. No additional
 testimony or exhibits were offered.

JTH



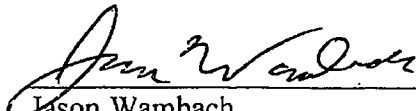
 The Honorable John T. Huseby
 UNITED STATES MAGISTRATE JUDGE

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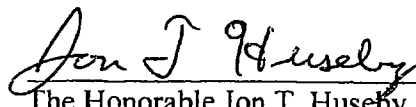
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Further your Affiant sayeth not.


 Jason Wambach
 Special Agent, ATF

Sworn and subscribed to before me
 this 18 day of April, 2016

 Present to me
 The Honorable Jon T. Huseby
 UNITED STATES MAGISTRATE JUDGE